

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

KIMBERLY COOK

PLAINTIFF

v.

Case No. 4:15-cv-04057

GRAOCH ASSOCIATES #55
LIMITED PARTNERSHIP d/b/a
FOX CREEK APARTMENTS

DEFENDANT

ORDER

Federal courts are courts of limited jurisdiction and the “threshold requirement in every federal case is jurisdiction.” *Sanders v. Clemco Indus.*, 823 F.2d 214, 216 (8th Cir. 1987). Where a question of jurisdiction exists, the Court considers the issue even though the parties do not assert a lack of jurisdiction. *United States ex rel. Shakopee Mdewakanton Sioux Community v. Pan Am. Management Co.*, 789 F.2d 632, 635-36 (8th Cir. 1986) (citations omitted). When one of the parties to the action is a limited partnership, the citizenship of each general and limited partner must be considered in determining whether complete diversity of citizenship exists. *Carden v. Arkoma Associates*, 494 U.S. 185 (1990); *see also Buckley v. Control Data Corp.*, 923 F.2d 96, 97 (8th Cir. 1991).

The Court directed Defendant to file a brief regarding this Court’s jurisdiction in this lawsuit. (ECF No. 24). Defendant timely filed a responsive brief, indicating that one of its general partners is a Texas citizen. (ECF No. 25). Because Plaintiff is also a citizen of Texas, Plaintiff and Defendant do not have diverse citizenship. The Court can find no other basis for its jurisdiction in this case.

Accordingly, this Court is without subject matter jurisdiction. This action is hereby remanded to the Circuit Court of Miller County, Arkansas for proper adjudication of the issues in this case.

IT IS SO ORDERED, this 29th day of June, 2016.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge